

**REMARKS****Substance of the Interview**

Applicants appreciate the Examiner's courtesy of granting a telephonic interview which was conducted on November 9, 2004 between Examiner Scott E. Jones and the undersigned Applicants' representative. In particular, Applicants discussed Claims 17 and 19-21. Regarding Claim 17, Applicants and Examiner discussed and Applicants have amended Claim 17, in this Office Action Response, to include language directed toward the different gaming categories displayed on the game board to distinguish the instant invention over the prior art. Regarding Claims 19 and 21 the Examiner and Applicants agreed that Freda, III does not teach nor disclose the Applicants' mystery position on the game board.

**Claim Rejections – 35USC § 103**

Reconsideration is respectfully requested for Claims 17-21 and 23-26, said claims having been rejected under 35 USC 103 based upon varying combinations of five United States patents, viz, U.S. Patent No. 5,906,371 to Peterson; U.S. Patent No. 4,273,337 to Carrera et al.; U.S. Patent No. 5,660,389 to Freda, III; U.S. Patent No. 6,120,300 to Ho, et al; U.S. Patent No. 5,921,864 to Walker, et al, and with various of such U.S. patents being applied in view of the Links 386 CD Players Manual. These rejections are respectfully traversed.

The Examiner alleges that Claim 17 is unpatentable over the combination of Peterson in view of Links 386CD Players Manual, and Carrera et al. Per amended Claim 17, after automatically moving a game piece on said game board a number of spaces based upon a random number generator to a predetermined location, the random question asked corresponds to a category of questions assigned to the predetermined location. None of the references cited, by the Examiner, alone nor in combination, disclose, teach, nor contemplate that the random questions are based only on a category that has been assigned to the location onto which the game piece lands, only after the game pieces are moved. Peterson teaches topic spaces, however the

actual question asked depends on a pre-assigned level of difficulty, therefore, Peterson teaches that the topic spaces must have a sub-category relating to difficulty. Thus, Peterson teaches that an elementary aged player will receive a different question than would a high school aged player. In sharp contrast, the Applicants' game would provide the same question to any aged player. Freda, III teaches that the category of questions is selected by rolling a die whose sides correspond to a specific category, Carrera teaches three stacks of questions, a spinner determines which question deck a player must select at each turn, wherein each stack varies in question difficulty but each deck contains a variety of categories.

Further, per amended Claim 17, Applicants have provided mystery positions on the game board. Applicants respectfully submit that none of the cited references, including Frieda III (*see* Substance of Interview, hereinabove, and Interview Summary (mailed 11/12/04; not attached hereto)), alone or in combination, disclose, teach, or suggest such mystery positions. Therefore, it is respectfully submitted that Claim 17 and Claims 18-20, which depend from Claim 17 are patentable over the cited art and a favorable condition of such claims is respectfully requested.

Applicants respectfully submit that Claim 21 is patentable over Frieda, III, as discussed in the telephonic interview of November 9, 2004, and summarized hereinabove, and as such Claim 21 and the claims depending therefrom (Claims 22-26), are now in formal condition for allowance without further amendments.

## **CONCLUSION**

It is therefore submitted that this application, with its Claims 17-21 and 23-26, is in prima facie condition for allowance. Accordingly the Applicants courteously solicit the advancement of the application to issue. The Examiner is respectfully invited to call the Applicants' representative, Taras P. Bemko, at 713-355-4200, to discuss any matters, that may arise, where such discussion may resolve such matters and place this application in condition for allowance. The Applicants are of the opinion that the correct fees, with respect to the filing of this response,

have been included herein. However, if additional fees are required, the Commissioner is hereby respectfully authorized to deduct such fees from Deposit Account Number 13-2166.

Respectfully Submitted,

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